

DEC 15 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PO-HUNG YAU, YU-NAN PAO, and JAUH-JUNG YANG

Serial No:	10671916	Attorney Docket No:	OR0314IT
Filed:	09/24/03	Group Art Unit:	2871
For:	DIFFRACTIVE MICRO-STRUCTURE COLOR WAVELENGTH DIVISION DEVICE	Examiner:	KIM, R

AMENDMENT RESPONSIVE TO OFFICE ACTION
MAILED 10/04/05

MAIL STOP AT

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450



022192

PATENT AND TRADEMARK OFFICE

Fax to: 1-571-273-8300

Sir:

Transmitted herewith for filing is Applicant's Response to Office Action. Should the Examiner have any question, he or she is invited to call or fax the undersigned at the telephone numbers indicated below. If, for any reason, this Response is not timely filed, this is a petition for extension of time as necessary for timely filing, and the Commissioner is authorized to charge any necessary statutory fees to Charge Account No. 50-1260. A small entity status is previously established.

Respectively Submitted,

12/15/05

Date

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CERTIFICATE OF MAILING (37 CFR §1.8a)

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REMARKS

This is a response to a Final Rejection. The Examiner has removed his rejections stated in the First Office Action, but issues this Final Rejection based on new grounds. Claims 1-13 remain in this application. No amendment is made.

Claims 1-8 and 13 are now rejected under 35 U.S.C. §102(b) as being anticipated by Farn et al (US 5,682,265). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Farn et al; Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Farn et al in view of Ma et al (6,512,560).

At the outset, Applicant is quite puzzled as to how a rejection based on 35 U.S.C. §102(b) anticipation could have been made. Applicant believes that this final rejection is probably due to an advertent but nevertheless unfortunate oversight by the Examiner.